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Your letter dated 27th January 2016 to Mr Tim Berger, Lawyer
Your reference: 11171/15 TB 13 TB

Dear Mr Hoffmann,

The abovementioned letter from you has been forwarded to me by Mr Berger for my information and comment.

In this matter, I would like to comment as follows:

It is correct that on my website there is a page entitled „[Explanatory note on the examination report by company Ketten Wulf]“. Under this heading, there is indeed an explanatory note on this report when I said that your client did not wish this examination report to be published, as otherwise it would hardly have filed for injunctive relief against me.

Nonetheless, the fact is, and in this instance the „fact“ is well corroborated by provable documents, that there had been a multi-year examination on your

client's premises. On this subject, there are two big folders in my office with a variety of letters from your office, letters of the Fraunhofer Institute, etc. Also, I have been at your client's plant several times. Finally, there had been a **licence agreement** in place which stated, inter alia, that all **examination results had to be notified** to me, as in fact has happened.

I can very well imagine that your client no longer wants to hear about all this examination business, which is my subjective opinion only, but, still, there is no way to hush up the examination as such.

On my website, I did not make any false statement but only wrote that your client did not wish the report to be published.

In the last sentence on the first page, it would be more correct to say, in my view: "Our" client is no longer interested in publishing such page. I can well imagine that.

On page 2, it says: ... "[This is because your client indicated again that our client did not use the wear-reducing chain wheels so as to sell more chains. Your client should not take a stand on this issue either. Because this would again show our client in an unfavourable light. There, your client clearly goes beyond a simple expression of opinion by basing his view on alleged facts]".

I do not know how you could come up with such nonsense and I will therefore take the liberty to set this right as follows:

On my website, there is, as sufficiently known, inter alia, a publication of July/August 7/8-2002 from trade journal "Konstruktion". It says on page 36 of this journal as follows on the bottom right:

Hermann Wilke (just as a reminder, this was your client's staff member in charge of this matter at that time): „[It appears our expectations are met: On the one hand, we can notice a reduction of the noise level by 50% and, on the other hand, wear has been visibly reduced compared to a conventional drive].” Although it would be too early to make some exact quantitative statements

due to the high test effort and the lengthy durations of the test, still, Wilke is convinced the system will be very well received by customers ...

It then says in the following paragraph:

To Wilke, the argument that a chain manufacturer might ruin his own business by using extremely wear-reducing chain systems, does not count.

There is now another important quote for you by said Mr Wilke, former staff member of your client:

“[This is basically a product that pleases the market. Nowadays, you acquire new customers through quality awareness and this also includes a long life cycle. We are problem solvers for our customers: those who think like that will get more business and new tasks].”

In this regard, again, my humble and completely subjective opinion is as follows: I can very well imagine that your client today certainly wishes it could shoot this Mr Wilke to the moon if he were still alive. Still, the fact is that Mr Wilke did say these words to the then editor of the journal, otherwise they would not have been published there!!!

But this is not the end of it.

Due to the cost structures for German companies, Wilke anyway hardly saw any opportunities for standard chains in today' market.

Now another quote by Mr Wilke:“[The bulk business for chains is done abroad. We live on technical consulting. 95% of our sales are special chains, that is, customer-specific versions]“.

The author of the article in trade journal “Konstruktion” further wrote as follows:

“[Wilke identified some key technical trends in the chain business, primarily in an extension of the service life, and secondly in maintenance-free conveyor chains. The latter is about reducing services to customers and eliminating environmental impacts due to loss lubrication as still customary. Here, there is a growing market for companies with the appropriate know-how. Company Ketten Wulf sees itself as a technological leader, including at an international level.

Naturally, the company also has high expectations of the market success of the self-adjusting chain wheel. Whether and to what extent chain wheels will eventually become reality in practice should be rather difficult to forecast. For the operators of conveyor systems, however, the advantages cannot be overlooked. So, for instance, even with the same service life of the chain-chain wheel system, more simple and cost-efficient chains could be used. Today, reduced costs of spare parts and of maintenance are as important as is a more silent running of the chain drives].”

Dear Mr Hoffmann,

If you read my publication with due attention, you will notice that I ONLY referred to the abovementioned journal.

In my statement, I only referred to a former publication and did in no way express my own, according to you inappropriate, opinion nor did I justify my opinion with alleged facts, as **I only referred to what was written in the publication and thus was and is available for everybody**, whilst, in my subjective opinion, the operators did not know about this earlier publication in the journal. This is, however, merely my assumption!

In this context, I should still like to mention the following: Company RUD Ketten invited to a discussion about my patent in Aalen on 6th February 2015. I went to the appointment together with my wife. On the part of company RUD, Mr Rupert Wesch was present, as well as a young man whose name I do not recall.

In the course of this conversation, we also approached the subject of the examination on your client’s premises, when Mr Wesch stated literally as follows: „[Mr Wilke said at the time that sooner or later we will just have to seriously deal with this self-adjusting chain wheel]“.

First of all, there is a variety of written documents proving that there had indeed been such examination of the previous version of the patent on your client’s premises and, secondly, the competitors of your client are and were aware of this as well. This was additionally confirmed by a phone call on 4th February 2015 and an e-mail dated 27th February 2015 by Johannes Winklhofer, head of company IWIS.

As you might have seen on my website, a few weeks ago I also introduced the patent to the German Federal Minister of Economic Affairs and Energy, Sigmar Gabriel, whom I will further inform today about the latest attempts to intimidate me on the part of your client.

In the last paragraph, you wrote you strongly recommended me not to involve your client in any way when trying to sell the patent.

I can very well imagine your client's wish but, unfortunately, a multi-year examination of the previous version of the patent cannot just be undone, even if this would be strongly desirable in retrospect.

Again, please note this is my subjective opinion only.

Also, it is absolutely irrelevant whether Mr Wilke is deceased in the meantime or not; he was employed by your client at that time and hence your client is responsible for any statements made or actions performed by their employees. Finally, people like Goethe and Einstein, etc., are quoted constantly, although they are no longer alive either. At VW also, I believe people feel rather miserable at the moment about some publications. On this subject, I found the following on the Internet in newspaper "Die Welt" (21.09.2015):

„[The powerful at Volkswagen had just about stamped out part of the fire sources smouldering throughout the VW world when already there is a new fire flaring up].“ This is also just a quote from newspaper „Die Welt“.

Similarly, on my website I only quoted what was written in journal „Konstruktion“ without stating my own view in this matter.

Finally, I should still like to quote the last sentence from the relevant examination report:

„ [**Result:**

As can be gathered from the evaluations and the diagram, all test samples on the Herkenrath chain wheel indicate lower wear than the Ketten Wulf wheel. Furthermore, the trials demonstrate that the chain wheel based on the Herkenrath design principle has a particularly beneficial effect on items that are subject to increased wear.
Kückelheim, 06.02.03]“

Should your client sue me once again for the current entries on my website, I am just poised for it. For the next court hearing, I will make sure to get the press involved which will certainly be interested in such practices.

A copy of this letter will be forwarded to Sigmar Gabriel, German Federal Minister of Economic Affairs and Energy, subsequent to my letter dated 12th January 2016.

Yours sincerely